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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/598,538 | 06/21/2000 | Carl W. Shonk | 60,314-098 | 7679 |

7590 12/20/2001

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EXAMINER

TRAN, DALENA

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3661

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,538

Applicant(s)

SHONK, CARL W.

Examiner

DALENA TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 10/5/01. As per request, claims 14-17, and 21-22 have been amended. Thus, claims 1-22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Mathis (5,948,043) in view of Marinelli et al. (4,884,208).

As per claims 1 and 14, Mathis discloses a method for transmitting the location of a vehicle to a location remote from the vehicle comprising: determining a location of the vehicle relative to a road network defined as a first location, and a change in the location of the vehicle relative to the road network defined as a second location (see the abstract; and columns 4-6, lines 51-3). Mathis does not clearly mention communicating the location of the vehicle to the remote location based upon change in location at a different frequency. However, Marinelli et al. mention communicating the location of the vehicle to the remote location based upon change in location (see columns 1-2, lines 50-14; and columns 7-8, lines 49-25), and communicating the first and second location of the vehicle to the remote location at a different frequency (see the

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abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Mathis by mention communicating the location of the vehicle to the remote location based upon change in location at a different frequency for continuously establishing and indicating the location of a movable object.

As per claims 2-3 and 15-16, Mathis discloses the location of the vehicle is communicated with reference to the road network, and the road network is a map database (see columns 3-4, lines 61-23).

As per claims 4 and 17, Mathis discloses the location of the vehicle is determined by map matching (see column 6, lines 4-48).

As per claim 7, Mathis discloses the location is a street (see columns 6-7, lines 49-4).

As per claim 9, Mathis discloses an apparatus for a navigation system for transmitting the location of a vehicle to a location remote from the vehicle, comprising: a position determining device for providing a vehicle location signal and a database having a map database with a road network (see columns 3-4, lines 61-24), and a processor interconnected to positioning device and database for determining the location of the vehicle relative to map (see column 5, lines 25-49).

Mathis does not mention transmitter and trigger device. However, Marinelli et al. mention a transmitter for producing a transmission signal to the remote location having the location of the vehicle (see column 3, lines 9-24), and a trigger device for triggering transmission signal, wherein triggering device determines a location of the vehicle relative to road network , and trigger device commands transmitter to produce transmission signal based upon the change in location (see

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columns 3-4, lines 54-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Mathis by mention a transmitter, and a trigger device for producing a transmission signal to the remote location to establish a communication system for vehicle and remote location.

Claims 10,11,12, and 13 are apparatus claims corresponding to method claims 2,4,5, and 6 above. Therefore, they are rejected for the same rationales set forth as above.

4. Claim 19, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Mathis (5,948,043), and Marinelli et al. (4,884,208) as applied to claim 14 above, and further in view of Ingels (4,024,493).

As per claim 19, Ingels discloses frequencies are based on a distance traveled by the vehicle (see columns 2-3, lines 6-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Mathis , and Marinelli et al. by mention frequencies are based on a distance traveled by the vehicle for generating respective direction and distance of vehicle.

5. Claims 8, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Mathis (5,948,043), and Marinelli et al. (4,884,208) as applied to claims 1 and 14 above, and further in view of Hummelsheim (6,192,312).

As per claims 8, Hummelsheim discloses the location are the street address (see column 5, lines 1-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Mathis , and Marinelli et al. by mention the location are the

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street address for certainty determining a position of an object and a new position relative to a road network.

6. Claims 18,20, and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

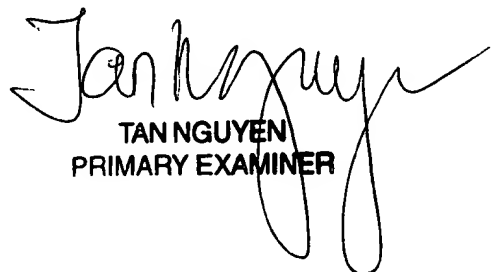
7. Applicant's argument files on 10/5/01 have been fully considered and they are deemed to be persuasive. However, upon updated search and the amended claims, the new ground of rejection has been set forth as above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is (703)308-8223. The examiner can normally be reached on Monday-Friday from 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt
December 12, 2001


TAN NGUYEN
PRIMARY EXAMINER